

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20997 of 2024

Arising Out of PS. Case No.-530 Year-2023 Thana- PHULPARAS District- Madhubani

Kiran Devi, daughter of Nageshwar Kuer, wife of Yatish Kuer, resident of village & Post Office – Bathne, Via – Rampatti, P.S.-Pandaul, District – Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vigilance Bureau Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ratnakar Jha, Advocate.
For the Vigilance	:	Mr. Arvind Kumar, Spl.PP.
For the State	:	Mrs.Pushpa Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 31-07-2024 Heard Mr. Ratnakar Jha, learned counsel appearing on behalf of the petitioner; Mr. Arvind Kumar, learned Spl. PP for the State and Mrs. Pushpa Sinha, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Phulparas P.S. Case No. 530 of 2023 registered for the offence punishable under Sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

3. Allegation against the petitioner is that on the basis of forged certificate, she got herself appointed as Panchayat teacher.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner's case is different and she



was not appointed on the basis of forged certificate. Against the direction of termination, she has filed C.W.J.C. No. 5872 of 2023 and as such, the case of the petitioner is not covered by the order passed by this Court in PIL C.W.J.C. No. 15459 of 2014 on which basis Vigilance Investigation Bureau has found the petitioner to be accused. Learned counsel, however, to get rid of criminal prosecution, submits that the petitioner is willing to tender her resignation which will be subject to the result of the writ petition bearing C.W.J.C. No. 5872 of 2023.

5. Mr. Arvind Kumar, learned counsel for the Vigilance Inspection Bureau submits that the petitioner has admitted that she will tender her resignation which will be subject to the result of final outcome of the writ petition which will not, in any way, affect the final report submitted by the Vigilance in which it has been found that the petitioner is accused of obtaining appointment on the basis of forged document and as such, the prayer for anticipatory bail is not sustainable.

6. Learned APP for the State has supported the argument advanced by learned counsel appearing on behalf of the Vigilance Investigation Bureau.

7. Having considered the rival submissions made on



behalf of the parties, as well as, the fact that the petitioner has undertaken before this Court that she will tender her resignation within two weeks and file an affidavit annexing the zerox copy / receivng of the resignation application before the competent authority i.e. the District Programme Officer (Establishment), Madhubani. Till then, no coercive step shall be taken against the petitioner. Once affidavit is filed by the petitioner, the petitioner, above named, be released on pre-arrest bail, in the event of her arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-II, Jhanjharpur in connection with Phulparas P.S. Case No. 530 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The bail application stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

